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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 898,938	07/03/2001	Norbert Coenen	2209.879 (WSC-2130)	1947

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EXAMINER

I.E. DANG D

ART UNIT PAPER NUMBER

2834

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/898,938

Applicant(s)

COENEN, NORBERT

Examiner

Dang D Le

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Prosecution Application***

1. The request filed on 2/12/03 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/898,938 is acceptable and a CPA has been established. An action on the CPA follows.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Lyman.

Regarding claim 1, Lyman shows a rotor spinning device (Figures 1-3) comprising a contact less, passive, radial bearing (64, 65) for the spinning rotor and a damping device (67, 68) external the passive radial bearing for damping radially directed oscillations of the spinning rotor, the damping device comprising a sensor arrangement (32, 34), a control arrangement (circuit, Figure 1) and an operating arrangement, the operating arrangement having at least two stationary magnetic operating elements (67 and 68) arranged to act directly at least at one active site (middle pole of magnet 65) on a permanent magnet (65) fixedly connected with the rotor

shaft (11) for rotation therewith, the rotating permanent magnet (65) comprising an operative element of the passive bearing of the spinning rotor (column 6, lines 1-5).

Regarding claim 6, it is noted that Lyman also shows the rotating magnetic element comprising a permanent magnet ring (12) enclosing the rotor shaft and the operating elements being arranged at an axial distance (Figure 3) in front of the permanent magnet ring.

Regarding claim 7, it is noted that Lyman also shows the control device (Figure 1) comprising elements for an exclusively capacitive coupling (45, 44) of the signals generated by the sensor elements.

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyman in view of Nakazeki et al.

Regarding claim 2, Lyman shows all of the limitations of the claimed invention except for the sensor device at the active site comprising at least two sensor elements for detecting radial position deviations of the rotor shaft, and the sensor elements and the operating elements at the active site are arranged in a plane extending vertically in respect to the axis of rotation.

Nakazeki et al. show the sensor device at the active site comprising at least two sensor elements (5X, 5Y) for detecting radial position deviations of the rotor shaft, and the sensor elements and the operating elements at the active site are arranged in a

plane extending vertically in respect to the axis of rotation for the purpose of controlling the magnetic bearing device.

Since Lyman and Nakazeki et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the sensor device at the active site with at least two sensor elements for detecting radial position deviations of the rotor shaft, and the sensor elements and the operating elements at the active site are arranged in a plane extending vertically in respect to the axis of rotation as taught by Nakazeki et al. for the purpose discussed above.

Regarding claim 3, it is noted that Nakazeki et al. also show the operating elements (2x and opposite of 2y) being arranged with an angular offset in respect to the sensor elements of the active site.

Regarding claim 4, it is noted that Nakazeki et al. also show the two operating elements being arranged angularly offset by 90 degrees in respect to each other, and the two sensor elements are arranged angularly offset by 90 degrees in respect to each other.

Regarding claim 5, it is noted that Nakazeki et al. also show an additional operating element (opposite 2x and 2y) being assigned to each operating element and being located diametrically opposite in respect to the axis of rotation, and that each

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operating element and the additional operating element act in the same direction and with an essentially equal force on the rotating magnetic element.

***Information on How to Contact USPTO***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

May 16, 2003

A handwritten signature in cursive script, appearing to read 'Dang D Le'.

DANG LE  
PRIMARY EXAMINER